

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DESIGN BASIC, LLC

Plaintiff,

v.

Case No. 13-C-560

**CAMPBELLSPORT BUILDING SUPPLY INC.,
BERLIN BUILDING SUPPLY, INC.,
KIEL BUILDING SUPPLY INC.,
DREXEL, INC.,
DREXEL BUILDING SUPPLY, INC.,
JOEL M. FLEISCHMAN, a/k/a
JOEL C. FLEISCHMAN, and
ALBERT J. FLEISCHMAN,**

Defendants,

and

WILSON MUTUAL INSURANCE COMPANY,

Proposed Intervenor Defendant-Counterclaimant.

DECISION AND ORDER

Proposed Intervenor Defendant and Counterclaimant Wilson Mutual Insurance Company (“Wilson Mutual”) filed a motion seeking leave to intervene in this action pursuant to Rule 24(a)(2) of the Federal Rules of Civil Procedure. (ECF No. 10.) Wilson Mutual, which issued insurance policies at various times relevant to the Complaint to Defendants Campbellsport Building Supply Inc.; Berlin Building Supply, Inc.; Kiel Building Supply Inc.; Drexel, Inc.; and Drexel Building Supply,

Inc., requests permission to intervene in this action so that this Court may determine whether and to what extent it has a duty to defend or indemnify the insured defendants.

The time has passed for any party to file a response to the motion. *See* Civil L.R. 7(b) (E.D. Wis.) Moreover, the Court is satisfied that Wilson Mutual meets the criteria for intervention as of right under Rule 24(a)(2). Therefore, the motion to intervene is granted.

Since Wilson Mutual is now a party and has filed its answer, counterclaim and cross-claim (ECF No. 14),¹ it will be included in the September 25, 2013, telephonic scheduling conference set for 10:30 a.m. (CST), which will be initiated by the Court. Wilson Mutual should provide the Court with a telephone number where counsel can be reached for that call, and the parties should confer regarding the impact, if any, of Wilson Mutual's intervention in this action on the matters set forth in the joint Rule 26(f) report (ECF No. 16), and, if necessary, file an amended joint Rule 26(f) report no later September 24, 2013, at 12:00 p.m.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Wilson Mutual's motion to intervene (ECF No. 10) is **GRANTED**; and

The parties are directed to confer regarding the impact, if any, of Wilson

¹ Wilson Mutual was not a party to this action until the entry of this Decision and Order. Therefore, Civil Local Rule 7(i) applied and Wilson Mutual should have attached its proposed answer and counterclaim to its motion to intervene, rather than filing the document separately.

Mutual's intervention in this action on the matters set forth in the joint Rule 26(f) report and, if necessary, file an amended joint Rule 26(f) report no later **September 24, 2013, at 12:00 p.m.**

Dated at Milwaukee, Wisconsin, this 17th day of September, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge